

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Establishment – MPDO - Sri Mohd. Basheeruddin, MPDO (Retired on 30.11.1990 and expired on 19-02-06) - Certain irregularities committed in Nalgonda District – Orders of withholding of full pensionary benefits and recovery of Rs.30,614-81Ps – A.P.A.T., and A.P.H.C., stay orders – Re-examination - Cancellation of pension withheld orders - Orders - Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (Esst.VII) DEPARTMENT

G.O.Ms.No. 215

Dated: 7<sup>th</sup> July, 2009.

Read the following:-

1. G.O.Ms.No.265, P.R & R.D (Estt.VII) Deptt., dated:17-05-1995.
2. Order dated 27-03-2000 of the A.P.A.T., Hyd., in O.A.No.2585/1995.
3. Interim Order dated 11-09-2001 of the High Court of A.P, Hyd., in W.P.M.P.No.23165/2001 in W.P.No.18477/2001.
4. Order dated 03-08-2006 of the High Court of A.P, Hyd., in W.P.M.P.No.20116/2006 in W.P.No.18477/2001.
5. G.O.Ms.No.1181, PR & RD (Estt.VII) Dept., dated 20-08-2007.
6. Interim Order dated 30-12-2008 of the A.P. Administrative Tribunal, Hyderabad in O.A.No.10967 of 2008.
7. From APAT, Hyd., Show cause notice dt.1.6.2009 in C.A.No.274/2009 in O.A.No.10967/2008.
8. From the Accountant General, Hyd., Letter dt.11.6.2009.

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ORDER:

Orders were issued withholding the full pensionary benefits of Sri Md.Basheeruddin, MPDO (Retired on 30.11.1990 and expired on 19-02-06) besides recovery of an amount of Rs.30,614-81ps., from him for the loss sustained by the Govt., vide G.O 1<sup>st</sup> read above, though he was sanctioned provisional pension @ 90% of retiring pension w.e.f 1.12.1990.

2. Aggrieved by the above said orders, issued in the reference 1<sup>st</sup> read above, Sri Mohd. Basheeruddin, MPDO (Retired) filed OA No.2585/95 in the APAT, which, in its orders 2<sup>nd</sup> read above, set aside the orders issued in the reference 1<sup>st</sup> read above; and, remanded the matter to the Govt., with a direction to supply a copy of the recommendation of the APPSC to the applicant and, obtain his further explanation in the matter, examine the whole matter and pass orders denova; and, also directed that pending examination and passing of due orders, the respondents shall continue to pay the provisional pension to the applicant.

3. On the above said orders of Hon'ble APAT, Govt. filed W.P.No:18477/2001 in Hon'ble APHC, which in its orders dt.11.9.2001 (in the reference 3<sup>rd</sup> read above) in W.P.M.P.No.23165/2001 in W.P.No.18477/2001, stayed the operation of the said orders, subject to condition that the petitioner shall continue to pay the provisional pension.

(P.T.O)

4. Subsequently, on 19.2.2006, Mohd. Basheeruddin MPDO, was expired; and, thereafter, wife of the deceased MPDO retired viz. Smt.Fazalunnisa Begum, W/o Mohd. Basheeruddin (Late), filed W.P.M.P.No.20116/2006 in W.P.No:18477/2001, for release of Family Pension; and, the Hon'ble APHC, in its judgment dated 3-8-2006 (reference 4<sup>th</sup> read above), ordered that "Having regard to the interim direction already given in W.P.M.P.No.23165 of 2001 dated 11-9-2001 and now since respondent No.1 died the same direction shall apply to the petitioner herein, who is no other than the wife of respondent No.1".

5. Accordingly, Smt. Fazalunnisa Begum, W/o Mohd. Basheeruddin (Late) was sanctioned family pension, subject to out come of the judgement in W.P.No.18477/2001, vide reference 5<sup>th</sup> read above.

6. Aggrieved by the above said family pension sanctioned, but not released, Smt. Fazalunnisa Begum, W/o Mohd. Basheeruddin (Late) filed O.A.No. 10967/2008; and, the APAT, in its Interim orders dt.30.12.2008, reference 6<sup>th</sup> read above, directed to release the anticipatory pension, under Rule 51(B) of A.P Revised Pension Rules, to the Applicant, as per G.O.Rt.No.1181, dt.20.08.2007.

7. Smt.Fazalunnisa Begum, W/o Mohd. Basheeruddin (Late) also filed C.A. in APAT, which served notice dt.1.6.2009 in C.A.No.274/2009 in O.A.No.10967/08 for implementation of the Interim Orders dt.30.12.2008, vide reference 7<sup>th</sup> read above.

8. The Accountant General, A.P., Hyderabad, requested to intimate the action taken on the orders of Hon'ble APAT in the matter, vide reference 8<sup>th</sup> read above.

9. Government, after careful re-examination of the entire issue and in the light of all the above said orders of Hon'ble APAT and Hon'ble High Court of A.P and the request of A.G, A.P in the matter, observe that though, the disciplinary case against Sri Mohd. Basheeruddin MPDO (Retd) was finalised, by the Govt., vide reference 1<sup>st</sup> read above, the said case was indirectly continued to be not finalised due to the above said orders of the Hon'ble APAT and APHC in the matter; and, at that juncture, the MPDO (Retired) expired on 19-2-2006, and, hence all the disciplinary proceedings, technically speaking, shall be deemed to have been abated, as on 19-2-2006; and, in such case, the only option left over to the Government, is to abate all the disciplinary proceedings, against the expired MPDO, which will automatically release all his pensionary benefits; and, which will in turn, release family pension to the wife of deceased MPDO.

10. Government after careful re-examination of the issue and in the light of the position detailed above, and in cancellation of the orders issued in the reference 1<sup>st</sup> read above, and in cancellation of the orders issued in the reference 5<sup>th</sup> read above decide and hereby order that all the disciplinary proceedings against late Sri Mohd. Basheeruddin MPDO, retired on 30-11-1990 and expired on 19-2-2006, consequent on the death of the MPDO (Retd.) on 19-2-2006, shall

be deemed to have been abated as on 19-2-2006, subject to recovery of Rs.30,614-81Ps., towards loss caused to the Government; and, also order that retiring pension be released to the above said expired MPDO; and, also order that corresponding family pension be released to Smt. Fazalunnisa Begum, W/o Late Mohd. Basheeruddin, MPDO retired and expired, subject to the out come of orders of A.P.Administrative Tribunal / A.P.High Court in the above said cases.

11. The Commissioner of Panchayat Raj, Hyderabad shall take further necessary action accordingly, in the matter.

12. This order issues with the concurrence of Finance (Pension.I) Dept., vide their U.O.No 17246/229/A1/Pension.I/2009, dated 4-7-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad.

The Chief Executive Officer, Zilla Parishad, Nalgonda.

The individual through Chief Executive Officer, Zilla Parishad, Nalgonda.

The Accountant General, A.P, Hyderabad.

The Government Pleader for PR, A.P.A.T., Hyderabad.

The Government Pleader for Services.II, High Court of A.P., Hyderabad.

Copy to:

The P.S. to Prl.Secy.(PR), PR&RD Dept.

The District Treasury Officer, Nalgonda,

The Finance (Pensions.I) Dept.,

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER